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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,662	08/29/2003	Joseph E. Hoot JR.	84,487	7784

38092 7590 10/20/2005

OFFICE OF COUNSEL, CODE 004
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EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/650,662	Applicant(s) HOOT ET AL.	
	Examiner Thomas J. Brahan	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

2. Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Makino in view of Montgomery et al. Figure 2 of Makino shows a marine terminal crane at a dockside pier comprising a system for transferring loaded containers to a ship alongside of a the dockside pier by use of motorized vehicles (23) comprising: a platform (22) positioned on the dockside pier in underlying relation to the crane (1) onto which each of the containers is transported by one of the motorized vehicles; reception means (longitudinal stoppers 25) on the platform for receiving each of the vehicles with the container thereon in the underlying relation to the crane at the dockside pier; positioning means (cylinders 24) for displacement of the reception means (25) on the platform (22) relative to the crane. Makino varies from the claims by not having sensor means for controlling the alignment and positioning of the reception means (25). Montgomery et al shows a similar positioning system with a platform (E) with reception means (E52-E56) moved by hydraulic cylinders (92) and controlled by sensors for aligning the load under the crane, see column 3, lines 29-39. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the terminal crane system of Makino by forming the reception means a sensor controlled aligning platforms, for automatic positioning and alignment with the crane, as taught by Montgomery et al. Mounting the sensors (K) on plates, as recited in claim 5, would have been an obvious design expedient, within the limits of one of ordinary skill in the art at the time the invention was made by applicant.

3. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Makino in view of Montgomery et al, as applied above to claim 1, and further in view of Bratlie. Makino, as modified, shows the basic claimed combination of a platform for positioning a load vehicle, but varies from the claims by not having the ramp (21) hinged to the platform. Bratlie shows a similar load platform which has ramps (144 and 146) pivotally mounted to the platform to fold up for storage during transport, see column 6,

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lines 21-25. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the loading platform of Makino by having its ramps (21) hinged to the platform, as to fold up to a storage position for transport, as taught by Bratlie.

4. Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Makino in view of Montgomery et al and Bratlie, as applied above to claim 2, and further in view of Merkle et al. Makino, as modified, shows the basic claimed combination of a platform for positioning a load vehicle, but varies from the claims by not using electric ball screw actuators that are at ninety degrees to each other. Merkle et al shows a similar vehicle positioning platform and teaches that electric or hydraulic motors are art recognized equivalents, see column 3, line 60, and teaches using the actuators (11 and 12) at ninety degrees to each other, see figure 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the positioning platforms of Makino by providing them with additional laterally acting actuators at ninety degrees to the longitudinally acting actuators, for lateral as well as longitudinal positioning adjustments, as taught by Merkle et al. It would further have been obvious to substitute electric ball screw actuators for the hydraulic cylinder actuators of Makino, as these are art recognized equivalents that would work equally as well, as also taught by Merkle et al.

5. Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Makino in view of Montgomery et al, as applied above to claim 5, and further in view of Merkle et al. Makino, as modified, shows the basic claimed combination of a platform for positioning a load vehicle, but does not use electric ball screw actuators that are at ninety degrees to each other. Merkle et al shows a similar vehicle positioning platform and teaches that electric or hydraulic motors are art recognized equivalents, see column 3, line 60, and teaches using the actuators (11 and 12) at ninety degrees to each other, see figure 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the positioning platforms of Makino by providing them with additional laterally acting actuators at ninety degrees to the longitudinally acting actuators, for lateral as well as longitudinal positioning adjustments, as taught by Merkle et al. It would further have been obvious to substitute electric ball screw actuators for the hydraulic cylinder actuators of Makino, as these are art recognized equivalents that would work equally as well, as also taught by Merkle et al.


6. Applicant argues in the amendment filed August 4, 2005, that "According to the disclosure in the Makino patent, the container transport vehicle (232) is positioned by a truck (21) directly on the dockside pier rather than on a wheeled platform, so as to involve a structural and functional arrangement that is totally different from the container transferring system associated with the present invention", see the top of page 10 of the amendment. However, as shown in figure 2 of the Makino reference, the truck (21) can also be a platform with ramps (21) and reception means (25) for receiving a truck (23) which has the

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container. Applicant's amendment necessitated the minor changes to the previous grounds of rejection, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 10/16/05
Thomas J. Brahan
Primary Examiner
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